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Attorneys for Petitioners and Plaintiffs
KATHERINE MCNENNY and ADRIAN RISKIN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

KATHERINE MCNENNY and ADRIAN
RISKIN,

Petitioners and Plaintiffs,

vs.

LOS ANGELES CHINATOWN BUSINESS
COUNCIL, a non-profit corporation,

Respondent and Defendant.

) Case No.: BS174784

) **NOTICE OF MOTION AND MOTION TO**
) **COMPEL RESPONDENT'S VERIFIED**
) **RESPONSES TO FORM**
) **INTERROGATORIES, SPECIAL**
) **INTERROGATORIES, AND REQUESTS**
) **FOR PRODUCTION OF DOCUMENTS**
) **AND THINGS, AND FOR TRUTH OF**
) **MATTERS IN REQUESTS FOR**
) **ADMISSION TO BE DEEMED**
) **ADMITTED;**
) **REQUEST FOR MONETARY SACTIONS;**
) **DECLARATION OF ANNA VON**
) **HERRMANN**

) Department: 86
) Judge: Hon. Mitchell L. Beckloff
) Petition Filed: August 15, 2018
) Date for Hearing on Petition: July 24, 2019
)

TO RESPONDENT/DEFENDANT LOS ANGELES CHINATOWN BUSINESS COUNCIL AND
ITS ATTORNEYS OF RECORD HEREIN:

NOTICE IS HEREBY GIVEN that on

at 8:30 A.M., or as soon

1 thereafter as the matter can be heard, in Department 86 of the above-entitled Court located at 111 N.
2 Hill Street, Los Angeles, California 90012, Petitioners and Plaintiffs KATHERINE MCNENNY
3 and ADRIAN RISKIN ("Petitioners") will move for an order compelling Respondent and
4 Defendant LOS ANGELES CHINATOWN BUSINESS COUNCIL ("Respondent") to provide
5 verified responses, without objections, to Form Interrogatories, Special Interrogatories, and
6 Requests for Production of Documents and Things within ten (10) days from the date of that
7 hearing; for an order that the truth of the matters in Requests for Admission be deemed admitted;
8 and for an award of monetary sanctions requiring Respondent to pay monetary sanctions to
9 Plaintiffs in the sum of \$3,160.00.

10 This motion will be brought pursuant to Code of Civil Procedure §§ 2030.290(b),
11 2031.300(b), and 2033.280(b) on the grounds that Respondent has failed to provide any response to
12 the above-detailed discovery. *See also City of Los Angeles v. Superior Court of Los Angeles County,*
13 *et al.* (2017) 9 Cal.App. 5th 272 (holding that the Civil Discovery Act applies to CPRA
14 proceedings).

15 This motion will be based on this Notice, the accompanying Memorandum of Points and
16 Authorities, the Declaration of Anna von Herrmann, Esq., the Court's own files and papers, and on
17 any oral argument allowed at its hearing.

18
19 Dated: April 29, 2019

By: 

Anna von Herrmann, Esq.,
Attorney for Petitioners and Plaintiffs

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **Introduction**

3
4 On August 15, 2018, Petitioners filed a Verified Petition for Writ of Mandate and Complaint
5 for Declaratory and Injunctive Relief (“Petition”) to enforce the California Public Records Act
6 (“CPRA”) against Respondent. The Petition alleges that Respondent ignored entirely Petitioners’
7 various requests for public records pursuant to the CPRA, thereby disrupting the democratic process
8 and withholding vital information from the public.

9 On January 23, 2019, Petitioners propounded upon Respondent Form Interrogatories,
10 Special Interrogatories, Requests for Production of Documents and Things, and Requests for
11 Admission. *See* ¶ 2 and Exhibit A to the Declaration of Anna von Herrmann (“Decl.”).
12 Respondent’s responses to Form Interrogatories, Special Interrogatories, Requests for Production of
13 Documents and Things, and Requests for Admission were due on February 22, 2019. *See* California
14 Code of Civil Procedure (“CCP”) §§ 2030.260(a), 2031.260(a), 2033.250(a). This discovery was
15 designed to aid in the resolution of the issues presented in the Petition by shedding light on
16 questions such as what internal action, if any, Respondent took in response to receiving Petitioners’
17 CPRA requests prior to suit; whether Respondent contends that any of the requested records have
18 been lawfully withheld; what the parameters of a proper search would look like to inform an
19 ultimate judicial order of production of the requested records; and whether Respondent has a pattern
20 and practice of ignoring CPRA requests in violation of the law. To date, Respondent has provided
21 no response to any of the propounded discovery.

22 On February 20, 2019, Petitioners attempted to meet and confer with Respondent by sending
23 a letter to Respondent’s Executive Director and agent for service of process, George Yu. *See* ¶ 3 and
24 Exhibit C to Decl. Petitioners expressed their desire to resolve the discovery dispute amicably
25

1 without employing judicial resources but made clear that Petitioners would file a Motion to Compel
2 if Respondent failed to properly respond to discovery. Respondent did not respond to Petitioners'
3 attempt to meet and confer.

4 Respondent's responses to the propounded discovery are over two months overdue.
5 Respondent has failed to provide any response to this discovery or to communicate with Petitioners
6 in any way regarding the discovery. Consequently, Petitioners request that this Court issue an order
7 compelling Respondent's verified responses without objections to their Form Interrogatories,
8 Special Interrogatories, and Requests for Production of Documents and Things within ten (10) days
9 from the date of this hearing, as well as an order deeming admitted all matters specified in the
10 Requests for Admission. Petitioners also request a monetary sanction in the amount of \$3,160.00
11 from Respondent, which amounts were necessary to bring this motion.
12

13 **Respondent should be compelled to respond to Petitioner's discovery completely and without**
14 **objection.**

15 Pursuant to CCP § 2030.210, a party has the right to serve upon the other party written
16 interrogatories. CCP § 2030.290(a) provides that if a party to whom interrogatories is directed fails
17 to serve a timely response, then "the party to whom the interrogatories are directed waives any right
18 to exercise the option to produce writings under Section 2030.230, as well as any objection to the
19 interrogatories, including one based on privilege or on the protection for work product. . . ." Further,
20 CCP § 2030.290(b) provides that the party propounding the interrogatories may move for an order
21 compelling response to the interrogatories, and CCP § 2030.290(c) provides that the Court shall
22 impose monetary sanctions against the party failing to comply.
23

24 Pursuant to CCP § 2031.210, a party has the right to serve upon the other party demands for
25 production of documents. CCP § 2031.300(a) provides that if a party to whom requests for
26 production of documents is directed fails to serve a timely response, then "the party to whom the
27

1 demand for inspection, copying, testing, or sampling is directed waives any objection to the
2 demand, including one based on privilege or on the protection for work product. . . .” Further, CCP
3 § 2031.300(b) provides that the party making the demand may move for an order compelling
4 response to the demand, and CCP § 2031.300(c) provides that the Court shall impose monetary
5 sanctions against the party failing to comply.

6 **The truth of all matters specified in Petitioner’s Requests for Admission should be deemed**
7 **admitted.**
8

9 Finally, pursuant to CCP § 2033.010, *et seq.*, a party has the right to serve upon the other
10 party written requests that any other party make certain admissions. CCP § 2033.280(a) provides
11 that if a party to whom requests for admission are directed fails to serve a timely response, “the
12 party to whom the requests for admission are directed waives any objection to the requests,
13 including one based on privilege or on the protection for work product. . . .” Further, CCP
14 § 2033.280(b), provides that the requesting party may move for an order that the truth of any
15 matters specified in the requests be deemed admitted. Finally, CCP § 2033.280(c) provides that “[i]t
16 is mandatory that the court impose a monetary sanction” on the party whose failure to provide a
17 timely response necessitated the motion.
18

19 As set forth above, and as evidenced by the Declaration of Anna von Herrmann, Respondent
20 has failed to respond to Petitioners’ Form Interrogatories, Special Interrogatories, Requests for
21 Production of Documents and Things, and Requests for Admission. Despite Petitioners’ attempt to
22 resolve the discovery dispute amicably and without the use of judicial resources, Respondent has
23 continuously ignored all of Petitioners’ communications and has failed to engage in the discovery
24 process whatsoever.
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Conclusion

Based on the foregoing, it is respectfully requested that the Court order Respondent LOS ANGELES CHINATOWN BUSINESS COUNCIL, a nonprofit corporation, to provide verified responses to Petitioner's Form Interrogatories, Special Interrogatories, and Requests for Production of Documents and Things without objection within 10 days, that the matters specified in Petitioner's Requests for Admission be deemed admitted, and that the Court order Respondent pay \$3,160.00 in sanctions to reimburse Petitioners for the cost of having to bring the instant motion.

Dated: April 29, 2019

By: 

Anna von Herrmann, Esq.,

Attorney for Petitioners and Plaintiffs

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DECLARATION OF ANNA VON HERRMANN, ESQ.

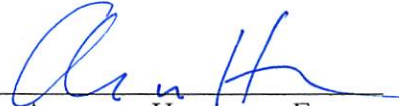
I, Anna von Herrmann, declare:

1. I am an attorney licensed to practice before all the courts of the State of California. I am a solo practitioner and the sole attorney of the Law Office of Anna von Herrmann. Along with Abenicio Cisneros, a solo practitioner with the Law Offices of Abenicio Cisneros, I am the attorney of record for Petitioners and Plaintiffs Katherine McNenny and Adrian Riskin (“Petitioners”) in this matter. If called as a witness, I would and could competently testify as follows:
2. On January 23, 2019, Petitioners propounded upon Respondent Form Interrogatories, Special Interrogatories, Requests for Production of Documents and Things, and Requests for Admission. *A true and accurate copy of this discovery is attached hereto as Exhibit A.*
3. On February 20, 2019, having received no response from Respondent to any of the discovery, I mailed a meet and confer letter to Respondent on behalf of Petitioners. In the letter, I reminded Respondent of the February 22, 2019, deadline to respond to the propounded discovery. I expressed my hope that Respondent would properly respond to the propounded discovery so that the issue could be resolved informally without the use of judicial resources. However, I also made clear that Petitioners intended to file a Motion to Compel if Respondent failed to provide responses to the discovery as required by law.
4. Respondent has provided Petitioners with no response whatsoever to any of the propounded discovery. Respondent did not request any extension of its deadline to respond to discovery. Indeed, Petitioners have not received any communication whatsoever from Respondent related to the propounded discovery.

- 1 5. When I attempted to reserve a date on which to have this motion heard, I was informed that
2 the earliest date available was in July of 2019. The Hearing on Petition for Writ of Mandate
3 in this matter, which is essentially a trial date, is currently scheduled for July 24, 2019.
4 Petitioners' opening brief on the Petition for Writ of Mandate is due 60 days prior to the
5 hearing. As such, it was necessary for me to apply *ex parte* to have the time within which to
6 have a hearing on the instant motion to compel shortened.
- 7 6. Attorney's fees have been incurred in connection with this Motion in the amount of
8 \$3,160.00. I bill \$345 per hour for my time, pursuant to the Laffey Matrix, which has been
9 applied to determine "reasonable market rates" in California courts in cases such as *Syers*
10 *Properties III, Inc. v. Rankin* (2014) 226 Cal. App. 4th 691, 701. I personally spent 4.25
11 hours preparing this motion.
- 12 7. Because my practice is based in northern California, and because of scheduling conflicts, I
13 anticipate employing the services of Joseph Wangler, Esq., located in Upland, CA, to
14 specially appear for me at both the hearing on the *ex parte* application and the hearing on the
15 instant motion to compel. Mr. Wangler bills at rates similar to mine, and never any less than
16 \$345 per hour. I anticipate Mr. Wangler will spend approximately 1 hour to attend the
17 hearing via Courtcall for the *ex parte* application to shorten time to hear this motion. I then
18 anticipate Mr. Wangler will spend 3 hours to travel to and attend the hearing on the merits
19 for the instant motion. It cost \$106.75 to file this motion electronically, and \$106.75 to file
20 the *ex parte* application to shorten time for this motion to be heard electronically. I also
21 incurred a fee of \$100 to deliver a courtesy copy of the *ex parte* application to ensure it
22 would be before the court on the day of the hearing. In sum, these fees and costs total
23 \$3,160.00
24
25
26

1 I declare the foregoing is true and correct under the penalty of perjury of the laws of California.

2
3 Dated: April 29, 2019

By: 
Anna von Herrmann, Esq.

INDEX OF EXHIBITS

- Exhibit A:** True and accurate copy of the discovery (Form Interrogatories, Special Interrogatories, Requests for Production of Documents and Things, and Requests for Admission) which Petitioners propounded on Respondent on January 23, 2019
- Exhibit B:** True and accurate copy of the Proof of Service for the discovery Petitioners propounded on Respondent on January 23, 2019
- Exhibit C:** True and accurate copy of the meet and confer letter Petitioners mailed to Respondent on February 20, 2019
- Exhibit D:** True and accurate copy of the Proof of Service for the meet and confer letter Petitioners mailed to Respondent on February 20, 2019

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Anna von Herrmann (SBN 301670)
2443 Fillmore Street #380-7379
San Francisco, CA 94115

TELEPHONE NO.: 415-779-5619

FAX NO. (Optional):

E-MAIL ADDRESS (Optional): anna@vonherrmannlegal.com

ATTORNEY FOR (Name): Petitioners Katherine McNenny and Adrian Riskin

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
111 N. Hill Street
Los Angeles, CA 90012
Stanley Mosk Courthouse

SHORT TITLE OF CASE:

McNenny et al. v. Los Angeles Chinatown Business Council

FORM INTERROGATORIES—GENERAL**Asking Party:** Katherine McNenny and Adrian Riskin**Answering Party:** Los Angeles Chinatown Business Council**Set No.:** 1

CASE NUMBER:

BS174784

Sec. 1. Instructions to All Parties

(a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.

(b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.

(c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

(a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, *Form Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.

(b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.

(c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.

(d) The interrogatories in section 16.0, Defendant's Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.

(e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

(a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.

(b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

(c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (Check one of the following):

- ☒ (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

- ☐ (2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)"): _____

(b) YOU OR ANYONE ACTING ON YOUR BEHALF

includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

1.0 Identity of Persons Answering These Interrogatories
2.0 General Background Information—Individual
3.0 General Background Information—Business Entity
4.0 Insurance
5.0 [Reserved]
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7.0 Property Damage
8.0 Loss of Income or Earning Capacity
9.0 Other Damages
10.0 Medical History
11.0 Other Claims and Previous Claims
12.0 Investigation—General
13.0 Investigation—Surveillance
14.0 Statutory or Regulatory Violations
15.0 Denials and Special or Affirmative Defenses
16.0 Defendant's Contentions Personal Injury
17.0 Responses to Request for Admissions
18.0 [Reserved]
19.0 [Reserved]
20.0 How the Incident Occurred—Motor Vehicle
25.0 [Reserved]
30.0 [Reserved]
40.0 [Reserved]
50.0 Contract
60.0 [Reserved]
70.0 Unlawful Detainer [See separate form DISC-003]
101.0 Economic Litigation [See separate form DISC-004]
200.0 Employment Law [See separate form DISC-002]
Family Law [See separate form FL-145]

1.0 Identity of Persons Answering These Interrogatories

- ☒ 1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 General Background Information—individual

- ☐ 2.1 State:
- (a) your name;
 - (b) every name you have used in the past; and
 - (c) the dates you used each name.
- ☐ 2.2 State the date and place of your birth.
- ☐ 2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☐ 2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
- (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- ☐ 2.5 State:
- (a) your present residence **ADDRESS**;
 - (b) your residence **ADDRESSES** for the past five years; and
 - (c) the dates you lived at each **ADDRESS**.
- ☐ 2.6 State:
- (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
 - (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.
- ☐ 2.7 State:
- (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
 - (b) the dates you attended;
 - (c) the highest grade level you have completed; and
 - (d) the degrees received.
- ☐ 2.8 Have you ever been convicted of a felony? If so, for each conviction state:
- (a) the city and state where you were convicted;
 - (b) the date of conviction;
 - (c) the offense; and
 - (d) the court and case number.
- ☐ 2.9 Can you speak English with ease? If not, what language and dialect do you normally use?
- ☐ 2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- ☐ 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
- (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and
 - (b) a description of your duties.

- ☐ 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the nature of the disability or condition; and
 - (c) the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.

- ☐ 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
 - (b) the nature or description of each substance;
 - (c) the quantity of each substance used or taken;
 - (d) the date and time of day when each substance was used or taken;
 - (e) the **ADDRESS** where each substance was used or taken;
 - (f) the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
 - (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

3.0 General Background Information—Business Entity

- ☐ 3.1 Are you a corporation? If so, state:
- (a) the name stated in the current articles of incorporation;
 - (b) all other names used by the corporation during the past 10 years and the dates each was used;
 - (c) the date and place of incorporation;
 - (d) the **ADDRESS** of the principal place of business; and
 - (e) whether you are qualified to do business in California.
- ☐ 3.2 Are you a partnership? If so, state:
- (a) the current partnership name;
 - (b) all other names used by the partnership during the past 10 years and the dates each was used;
 - (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
 - (d) the name and **ADDRESS** of each general partner; and
 - (e) the **ADDRESS** of the principal place of business.
- ☐ 3.3 Are you a limited liability company? If so, state:
- (a) the name stated in the current articles of organization;
 - (b) all other names used by the company during the past 10 years and the date each was used;
 - (c) the date and place of filing of the articles of organization;
 - (d) the **ADDRESS** of the principal place of business; and
 - (e) whether you are qualified to do business in California.

- ☐ 3.4 Are you a joint venture? If so, state:
- (a) the current joint venture name;
 - (b) all other names used by the joint venture during the past 10 years and the dates each was used;
 - (c) the name and **ADDRESS** of each joint venturer; and
 - (d) the **ADDRESS** of the principal place of business.

- ☐ 3.5 Are you an unincorporated association? If so, state:
- (a) the current unincorporated association name;
 - (b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
 - (c) the **ADDRESS** of the principal place of business.

- ☐ 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
- (a) the name;
 - (b) the dates each was used;
 - (c) the state and county of each fictitious name filing; and
 - (d) the **ADDRESS** of the principal place of business.

- ☐ 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
- (a) identify the license or registration;
 - (b) state the name of the public entity; and
 - (c) state the dates of issuance and expiration.

4.0 Insurance

- ☐ 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
- (a) the kind of coverage;
 - (b) the name and **ADDRESS** of the insurance company;
 - (c) the name, **ADDRESS**, and telephone number of each named insured;
 - (d) the policy number;
 - (e) the limits of coverage for each type of coverage contained in the policy;
 - (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
 - (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.
- ☐ 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.

5.0 [Reserved]

6.0 Physical, Mental, or Emotional Injuries

- ☐ 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- ☐ 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

☐ 6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:

- (a) a description;
- (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
- (c) the frequency and duration.

☐ 6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

☐ 6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:

- (a) the name;
- (b) the **PERSON** who prescribed or furnished it;
- (c) the date it was prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

☐ 6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each provider.

☐ 6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

7.0 Property Damage

☐ 7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:

- (a) describe the property;
- (b) describe the nature and location of the damage to the property;

- (c) state the amount of damage you are claiming for each item of property and how the amount was calculated; and
- (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.

☐ 7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
- (c) the amount of damage stated.

☐ 7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:

- (a) the date repaired;
- (b) a description of the repair;
- (c) the repair cost;
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
- (e) the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.

8.0 Loss of Income or Earning Capacity

☐ 8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).

☐ 8.2 State:

- (a) the nature of your work;
- (b) your job title at the time of the **INCIDENT**; and
- (c) the date your employment began.

☐ 8.3 State the last date before the **INCIDENT** that you worked for compensation.

☐ 8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.

☐ 8.5 State the date you returned to work at each place of employment following the **INCIDENT**.

☐ 8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.

☐ 8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.

☐ 8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:

- (a) the facts upon which you base this contention;
- (b) an estimate of the amount;
- (c) an estimate of how long you will be unable to work; and
- (d) how the claim for future income is calculated.

9.0 Other Damages

- ☐ 9.1 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of damage state:
- (a) the nature;
 - (b) the date it occurred;
 - (c) the amount; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an obligation was incurred.
- ☐ 9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

10.0 Medical History

- ☐ 10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:
- (a) a description of the complaint or injury;
 - (b) the dates it began and ended; and
 - (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.
- ☐ 10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. *(You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.)*
- ☐ 10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:
- (a) the date and the place it occurred;
 - (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
 - (c) the nature of any injuries you sustained;
 - (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
 - (e) the nature of the treatment and its duration.

11.0 Other Claims and Previous Claims

- ☐ 11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:
- (a) the date, time, and place and location (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
 - (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- (c) the court, names of the parties, and case number of any action filed;
- (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
- (e) whether the claim or action has been resolved or is pending; and
- (f) a description of the injury.

- ☐ 11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:
- (a) the date, time, and place of the **INCIDENT** giving rise to the claim;
 - (b) the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
 - (c) the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
 - (d) the period of time during which you received workers' compensation benefits;
 - (e) a description of the injury;
 - (f) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
 - (g) the case number at the Workers' Compensation Appeals Board.

12.0 Investigation—General

- ☒ 12.1 State the name, **ADDRESS**, and telephone number of each individual:
- (a) who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
 - (b) who made any statement at the scene of the **INCIDENT**;
 - (c) who heard any statements made about the **INCIDENT** by any individual at the scene; and
 - (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).
- ☐ 12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:
- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
 - (b) the date of the interview; and
 - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- ☐ 12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:
- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - (c) the date the statement was obtained; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

- ☐ 12.4 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs, films, or videotapes depicting any place, object, or individual concerning the **INCIDENT** or plaintiff's injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, **ADDRESS**, and telephone number of the individual taking the photographs, films, or videotapes; and
- (e) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the photographs, films, or videotapes.

- ☐ 12.5 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the **INCIDENT**? If so, for each item state:

- (a) the type (i.e., diagram, reproduction, or model);
- (b) the subject matter; and
- (c) the name, **ADDRESS**, and telephone number of each **PERSON** who has it.

- ☐ 12.6 Was a report made by any **PERSON** concerning the **INCIDENT**? If so, state:

- (a) the name, title, identification number, and employer of the **PERSON** who made the report;
- (b) the date and type of report made;
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** for whom the report was made; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of the report.

- ☐ 12.7 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** inspected the scene of the **INCIDENT**? If so, for each inspection state:

- (a) the name, **ADDRESS**, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
- (b) the date of the inspection.

13.0 Investigation—Surveillance

- ☐ 13.1 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** conducted surveillance of any individual involved in the **INCIDENT** or any party to this action? If so, for each surveillance state:

- (a) the name, **ADDRESS**, and telephone number of the individual or party;
- (b) the time, date, and place of the surveillance;
- (c) the name, **ADDRESS**, and telephone number of the individual who conducted the surveillance; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy of any surveillance photograph, film, or videotape.

- ☐ 13.2 Has a written report been prepared on the surveillance? If so, for each written report state:

- (a) the title;
- (b) the date;
- (c) the name, **ADDRESS**, and telephone number of the individual who prepared the report; and
- (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original or a copy.

14.0 Statutory or Regulatory Violations

- ☐ 14.1 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON** involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the **INCIDENT**? If so, identify the name, **ADDRESS**, and telephone number of each **PERSON** and the statute, ordinance, or regulation that was violated.

- ☐ 14.2 Was any **PERSON** cited or charged with a violation of any statute, ordinance, or regulation as a result of this **INCIDENT**? If so, for each **PERSON** state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) the statute, ordinance, or regulation allegedly violated;
- (c) whether the **PERSON** entered a plea in response to the citation or charge and, if so, the plea entered; and
- (d) the name and **ADDRESS** of the court or administrative agency, names of the parties, and case number.

15.0 Denials and Special or Affirmative Defenses

- ☒ 15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:
- (a) state all facts upon which you base the denial or special or affirmative defense;
 - (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
 - (c) identify all **DOCUMENTS** and other tangible things that support your denial or special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

16.0 Defendant's Contentions—Personal Injury

- ☐ 16.1 Do you contend that any **PERSON**, other than you or plaintiff, contributed to the occurrence of the **INCIDENT** or the injuries or damages claimed by plaintiff? If so, for each **PERSON**:

- (a) state the name, **ADDRESS**, and telephone number of the **PERSON**;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

- ☐ 16.2 Do you contend that plaintiff was not injured in the **INCIDENT**? If so:

- (a) state all facts upon which you base your contention;
- (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (c) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so, for each injury:

- (a) identify it;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.4 Do you contend that any of the services furnished by any **HEALTH CARE PROVIDER** claimed by plaintiff in discovery proceedings thus far in this case were not due to the **INCIDENT**? If so:

- (a) identify each service;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.5 Do you contend that any of the costs of services furnished by any **HEALTH CARE PROVIDER** claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:

- (a) identify each cost;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the **INCIDENT**? If so:

- (a) identify each part of the loss;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the **INCIDENT**? If so:

- (a) identify each item of property damage;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:

- (a) identify each cost item;
- (b) state all facts upon which you base your contention;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

☐ 16.9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:

- (a) the source of each **DOCUMENT**;
- (b) the date each claim arose;
- (c) the nature of each claim; and
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

☐ 16.10 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a **HEALTH CARE PROVIDER** not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:

- (a) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**;
- (b) a description of each **DOCUMENT**; and
- (c) the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

17.0 Responses to Request for Admissions

☒ 17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

- (a) state the number of the request;
- (b) state all facts upon which you base your response;
- (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
- (d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

18.0 [Reserved]

19.0 [Reserved]

20.0 How the Incident Occurred—Motor Vehicle

☐ 20.1 State the date, time, and place of the **INCIDENT** (closest street **ADDRESS** or intersection).

☐ 20.2 For each vehicle involved in the **INCIDENT**, state:

- (a) the year, make, model, and license number;
- (b) the name, **ADDRESS**, and telephone number of the driver;

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder; and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.

- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.

☐ 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.

☐ 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.

☐ 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.

☐ 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:

- (a) your location when you first saw it;
- (b) the color;
- (c) the number of seconds it had been that color; and
- (d) whether the color changed between the time you first saw it and the **INCIDENT**.

☐ 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:

- (a) just before the **INCIDENT**;
- (b) at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.

☐ 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.

☐ 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:

- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and

☐ 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.

25.0 [Reserved]

30.0 [Reserved]

40.0 [Reserved]

50.0 Contract

☐ 50.1 For each agreement alleged in the pleadings:

- (a) identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
- (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
- (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.

☐ 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.

☐ 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.

☐ 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.

☐ 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.

☐ 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.

60.0 [Reserved]

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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12
13 KATHERINE MCNENNY and ADRIAN
RISKIN,

14 Petitioners and Plaintiffs,

15 vs.

16 LOS ANGELES CHINATOWN BUSINESS
17 COUNCIL, a non-profit corporation,

18 Respondent and Defendant.
19
20

) Case No.: BS174784
)
)

) **PETITIONERS' SPECIAL**
) **INTERROGATORIES (SET ONE) TO**
) **RESPONDENT LOS ANGELES**
) **CHINATOWN BUSINESS COUNCIL**

) **Department: 86**
) **Judge: Hon. Mitchell L. Beckloff**
)
)
)

21
22 Propounding Party: PETITIONERS/PLAINTIFFS KATHERINE MCNENNY AND
23 ADRIAN RISKIN

24 Responding Party: RESPONDENT/DEFENDANT LOS ANGELES CHINATOWN
25 BUSINESS COUNCIL, a non-profit corporation

26 Set Number: One

27
28 TO RESPONDENT/DEFENDANT LOS ANGELES CHINATOWN BUSINESS COUNCIL

1 AND ITS ATTORNEYS OF RECORD HEREIN:

2 **DEMAND IS HEREBY MADE** pursuant to California Code of Civil Procedure Section
3 2030.010 *et seq.*, Petitioners/Plaintiffs KATHERINE MCNENNY AND ADRIAN RISKIN
4 (“PETITIONERS”) request that Respondent/Defendant LOS ANGELES CHINATOWN BUSINESS
5 COUNCIL (“RESPONDENT”) answer fully, in writing, and verified within thirty (30) days of the
6 service hereof, pursuant to California *Code of Civil Procedure* Section 2030.010 *et seq.* Petitioners
7 request that your response be submitted via email to Petitioners’ counsel at
8 anna@vonherrmannlegal.com, or at another place as may be mutually agreed upon, within thirty (30)
9 days.

10 In answering these interrogatories, you are requested to provide all information which is
11 available to you, your agents, representatives, employees, attorneys and investigators, and not just
12 such information as in your personal possession or knowledge. If you are unable to answer any
13 interrogatory after exercising due diligence in attempting to do so, please answer to the extent of your
14 ability and indicate the reason for your inability to answer the remainder.

15 If objections are interposed to any interrogatory, the complete basis should be stated. If it is
16 contended that any information sought is privileged by the attorney-client privilege or work product
17 doctrine, it is requested that the factual basis of such privilege be stated and that the same not be
18 asserted in conclusory terms.

19 **DEFINITIONS**

20 Unless otherwise indicated, the following definitions apply to these Requests as used herein:

21 1. “YOU”, “YOUR,” and “RESPONDENT” shall mean the party to whom the following
22 requests are addressed and any AGENT or representative of the party.

23 2. “AGENT” shall mean and refer to any employee, owner, partner, director, officer,
24 attorney, representative or other person with a relationship to a government agency, firm, person,
25 corporation, or business association, who has the express, implied, or legal authority to act on behalf
26 of that government agency, firm, person, corporation, or business association.

27 3. “PERSON” shall mean and refer to a natural person, firm, association, organization,
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1 partnership, business, trust, limited liability company, corporation, or public entity.

2 4. "ADDRESS" shall mean the street address including the city, state, zip code, and
3 telephone number.

4 5. The term IDENTIFY, when used in reference to a PERSON, means to set forth the
5 PERSON's full name, current or last known address(es), telephone number(s), employer, position
6 with employer and area of responsibility. The term IDENTIFY, when used in reference to an entity
7 that is not an individual, means to set forth the entity's full name, current or last known address(es)
8 and telephone number(s). The term IDENTIFY, when used in reference to DOCUMENTS means
9 to describe with specificity such DOCUMENTS and to state the quantity of such DOCUMENTS.

10 6. "DOCUMENT" or "DOCUMENTS" or "DOCUMENTATION" shall be construed in the
11 most comprehensive and inclusive sense permitted. This definition shall mean without limitation
12 any written, typed, printed, recorded, or graphic matter, however preserved, produced, or
13 reproduced, of any type or description, regardless of origin or location, including without limitation
14 any binder, cover note, certificate, letter, correspondence, record, table, chart, analysis, graph,
15 schedule, report, test, study, memorandum, note, list, diary, log, calendar, telex, e-mail, message
16 (including, but not limited to, interoffice and intra-office COMMUNICATIONS), questionnaire,
17 bill, purchase order, shipping order, contract, memoranda of contract, agreement or understanding,
18 assignment, license, certificate, permit, ledger, ledger entry, book of account, check, order, invoice,
19 receipt, statement, financial data, acknowledgement, computer or data processing card, computer or
20 data processing tape or disk, computer-generated matter, photograph, photographic negative,
21 phonograph recording, transcript or log of any such recording, projection, videotape film,
22 microfiche, and all other data compilations from which information can be obtained or translated as
23 well as reports and/or summaries of investigations, drafts, and revisions of drafts of any
24 DOCUMENTS, and original preliminary notes or sketches, no matter how produced or maintained,
25 in your actual or constructive possession, custody, or control, or the existence of which you have
26 knowledge, and whether prepared, published, or released by you or by any other person. If a
27 DOCUMENT has been prepared in several copies, or additional copies have been made, and some
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copies are not identical (by reason of subsequent modification through the addition of notations, etc.), each non-identical copy should be produced as a separate DOCUMENT.

7. "RECORD" or "RECORDS" shall carry the same definition as "Writing" under California Government Code §6252(g).

8. "REFER," "REFERS TO," "REFERRING TO," OR "RELATING TO" shall mean pertaining to, mentioning, commenting on, connected with, discussing, describing, analyzing, explaining, showing, reflecting, dealing with, comprising of, consisting of, containing, constituting, resulting from, or recording a particular subject in whole or in part either directly or indirectly.

9. "ANY" shall also mean "ALL" and vice versa.

10. "AND" shall mean "OR" and vice versa.

SPECIAL INTERROGATORIES

SPECIAL INTERROGATORY #1.

Please state ALL actions YOU took prior to August 15, 2018 to locate ALL of the RECORDS that Petitioners requested.

SPECIAL INTERROGATORY #2.

Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory #1.

SPECIAL INTERROGATORY #3.

Please state ALL actions YOU took prior to August 15, 2018 to review ALL of the RECORDS that Petitioners requested to determine their disclosability under the California Public Records Act ("CPRA").

SPECIAL INTERROGATORY #4.

Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory #3.

SPECIAL INTERROGATORY #5.

If YOU CONTEND that YOU lawfully withheld ANY of the RECORDS that Petitioners requested, please state ALL facts which YOU contend justify YOUR withholding.

SPECIAL INTERROGATORY #6.

If YOU CONTEND that YOU lawfully withheld ANY of the RECORDS that Petitioners requested,

1 please IDENTIFY ALL DOCUMENTS which YOU contend justify YOUR withholding.

2 **SPECIAL INTERROGATORY #7.**

3 Please IDENTIFY ALL members of the Board AND Staff of the Greater Chinatown Business
4 Improvement District (AKA the “Chinatown Business Improvement District”) (“BID”) from January
5 1, 2015 forward.

6 **SPECIAL INTERROGATORY #8.**

7 Please state ALL facts which YOU contend support YOUR response to Special Interrogatory #7.

8 **SPECIAL INTERROGATORY #9.**

9 Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory #7.

10 **SPECIAL INTERROGATORY #10.**

11 Please list ALL email addresses of the BID’s Board AND Staff (including both formal BID email
12 addresses AND personal email addresses from which ANY BID activity has ever been conducted)
13 that have been used to conduct ANY BID activity from January 1, 2015 forward.

14 **SPECIAL INTERROGATORY #11.**

15 Please state ALL facts which YOU contend support YOUR response to Special Interrogatory #10.

16 **SPECIAL INTERROGATORY #12.**

17 Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory #10.

18 **SPECIAL INTERROGATORY #13.**

19 Please IDENTIFY ALL email services (e.g., Outlook, Gmail, Yahoo, etc.) used by each member of
20 the BID’s Board AND Staff from January 1, 2015 forward.

21 **SPECIAL INTERROGATORY #14.**

22 Please state ALL facts which YOU contend support YOUR response to Special Interrogatory #13.

23 **SPECIAL INTERROGATORY #15.**

24 Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory #13.

25 **SPECIAL INTERROGATORY #16.**

26 Please IDENTIFY who has managed the email account for info@chinatownla.com from May 1,
27 2017 forward.

1 **SPECIAL INTERROGATORY #17.**

2 Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory #16.

3 **SPECIAL INTERROGATORY #18.**

4 Please IDENTIFY ALL individuals who have participated in responding to CPRA requests from
5 January 1, 2017 forward.

6 **SPECIAL INTERROGATORY #19.**

7 Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory
8 #18.

9 **SPECIAL INTERROGATORY #20.**

10 Please IDENTIFY ALL instances from January 1, 2016 forward where YOU have received a
11 request for public RECORDS from ANY PERSON.

12 **SPECIAL INTERROGATORY #21.**

13 Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory
14 #20.

15 **SPECIAL INTERROGATORY #22.**

16 Please IDENTIFY ALL instances from January 1, 2016 forward where YOU have provided public
17 RECORDS to a requestor OR communicated to a requestor that his or her request would not result
18 in the disclosure of RECORDS.

19 **SPECIAL INTERROGATORY #23.**

20 Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory
21 #22.

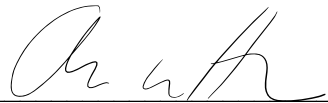
22 **SPECIAL INTERROGATORY #24.**

23 Please IDENTIFY ALL instances from January 1, 2016 forward where YOU have failed to provide
24 public RECORDS to a requestor through non-response.

25 **SPECIAL INTERROGATORY #25.**

26 Please IDENTIFY ALL DOCUMENTS which support YOUR response to Special Interrogatory
27 #24.

1 Dated: January 20, 2019

2 By: 
3 Anna von Herrmann, Esq.,
4 Attorney for Petitioners and Plaintiffs
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1 Anna von Herrmann [SBN 301670]
2 Law Office of Anna von Herrmann
2443 Fillmore St. #380-7379
3 San Francisco, CA 94115
415-779-5619
anna@vonherrmannlegal.com

4 Abenicio Cisneros [SBN 302765]
5 Law Offices of Abenicio Cisneros
2443 Fillmore St. #380-7379
6 San Francisco, CA 94115
707-653-0438
7 acisneros@capublicrecordslaw.com

8 Attorneys for Petitioners and Plaintiffs

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12
13 KATHERINE MCNENNY and ADRIAN
RISKIN,

14 Petitioners and Plaintiffs,

15 vs.

16 LOS ANGELES CHINATOWN BUSINESS
17 COUNCIL, a non-profit corporation,

18 Respondent and Defendant.
19
20

) Case No.: BS174784

) **PETITIONERS' REQUESTS FOR**
) **PRODUCTION OF DOCUMENTS AND**
) **THINGS (SET ONE) TO RESPONDENT**
) **LOS ANGELES CHINATOWN BUSINESS**
) **COUNCIL**

) **Department: 86**

) **Judge: Hon. Mitchell L. Beckloff**
)
)

21
22 Propounding Party: PETITIONERS/PLAINTIFFS KATHERINE MCNENNY AND
23 ADRIAN RISKIN

24 Responding Party: RESPONDENT/DEFENDANT LOS ANGELES CHINATOWN
25 BUSINESS COUNCIL, a non-profit corporation

26 Set Number: One

27
28 TO RESPONDENT/DEFENDANT LOS ANGELES CHINATOWN BUSINESS COUNCIL

1 AND ITS ATTORNEYS OF RECORD HEREIN:

2 **DEMAND IS HEREBY MADE** pursuant to Code of Civil Procedure section 2031.010 *et*
3 *seq.*, Petitioners/Plaintiffs KATHERINE MCNENNY and ADRIAN RISKIN (“PETITIONERS”)
4 request that Respondent/Defendant LOS ANGELES CHINATOWN BUSINESS COUNCIL
5 (“RESPONDENT”) produce for inspection and copying the DOCUMENTS set forth below that are
6 in its possession, custody, or control, or in the possession, custody or control of its attorneys, agents,
7 accountants, or independent contractors, its investigators, and any persons acting on its behalf, via
8 email to Petitioners’ counsel at anna@vonherrmannlegal.com. If a RECORD does not exist in
9 electronic format, it can be produced via US mail to the Law Office of Anna von Herrmann, 2443
10 Fillmore St. #380-7379, San Francisco, CA 94115, or at another place as may be mutually agreed
11 upon, within thirty (30) days.

12 **DEFINITIONS**

13 1. “YOU”, “YOUR,” and “RESPONDENT” shall mean the party to whom the following
14 requests are addressed and any AGENT or representative of the party.

15 2. “AGENT” shall mean and refer to any employee, owner, partner, director, officer,
16 attorney, representative or other person with a relationship to a government agency, firm, person,
17 corporation, or business association, who has the express, implied, or legal authority to act on behalf
18 of that government agency, firm, person, corporation, or business association.

19 3. “PERSON” shall mean and refer to a natural person, firm, association, organization,
20 partnership, business, trust, limited liability company, corporation, or public entity.

21 4. “ADDRESS” shall mean the street address including the city, state, zip code, and
22 telephone number.

23 5. The term IDENTIFY, when used in reference to a PERSON, means to set forth the
24 PERSON’s full name, current or last known address(es), telephone number(s), employer, position
25 with employer, and area of responsibility. The term IDENTIFY, when used in reference to an entity
26 that is not an individual, means to set forth the entity’s full name, current or last known address(es)
27 and telephone number(s). The term IDENTIFY, when used in reference to DOCUMENTS means to
28

1 describe with specificity such DOCUMENTS and to state the quantity of such DOCUMENTS.

2 6. "DOCUMENT" or "DOCUMENTS" or "DOCUMENTATION" shall be construed in the
3 most comprehensive and inclusive sense permitted. This definition shall mean without limitation
4 ANY written, typed, printed, recorded, or graphic matter, however preserved, produced, or
5 reproduced, of ANY type or description, regardless of origin or location, including without
6 limitation ANY binder, cover note, certificate, letter, correspondence, record, table, chart, analysis,
7 graph, schedule, report, test, study, memorandum, note, list, diary, log, calendar, telex, e-mail,
8 message (including, but not limited to, interoffice and intra-office COMMUNICATIONS),
9 questionnaire, bill, purchase order, shipping order, contract, memoranda of contract, agreement or
10 understanding, assignment, license, certificate, permit, ledger, ledger entry, book of account, check,
11 order, invoice, receipt, statement, financial data, acknowledgement, computer or data processing
12 card, computer or data processing tape or disk, computer-generated matter, photograph,
13 photographic negative, phonograph recording, transcript or log of ANY such recording, projection,
14 videotape film, microfiche, and all other data compilations from which information can be obtained
15 or translated as well as reports and/or summaries of investigations, drafts, and revisions of drafts of
16 ANY DOCUMENTS, and original preliminary notes or sketches, no matter how produced or
17 maintained, in your actual or constructive possession, custody, or control, or the existence of which
18 you have knowledge, and whether prepared, published, or released by you or by ANY other person.
19 If a DOCUMENT has been prepared in several copies, or additional copies have been made, and
20 some copies are not identical (by reason of subsequent modification through the addition of
21 notations, etc.), each non-identical copy should be produced as a separate DOCUMENT.

22 7. "RECORD" or "RECORDS" shall carry the same definition as "Writing" under California
23 Government Code §6252(g).

24 8. "REFER," "REFERS TO," "REFERRING TO," OR "RELATING TO" shall mean
25 pertaining to, mentioning, commenting on, connected with, discussing, describing, analyzing,
26 explaining, showing, reflecting, dealing with, comprising of, consisting of, containing, constituting,
27 resulting from, or recording a particular subject in whole or in part either directly or indirectly.

1 9. "ANY" shall also mean "ALL" and vice versa.

2 10. "AND" shall mean "OR" and vice versa.

3 **INSTRUCTIONS**

4 1. YOU are required to produce ALL DOCUMENTS in YOUR possession, custody,
5 or control, including DOCUMENTS that YOU have a right to secure from ANY other source. YOU
6 are requested to make a diligent search of YOUR RECORDS and other papers and materials
7 maintained in ANY form, whether in YOUR possession or the possession of YOUR employees,
8 staff members, attorneys, consultants or other representatives.

9 **However, YOU are not here requested to produce ANY DOCUMENTS which are**
10 **responsive to the California Public Records Act ("CPRA") REQUESTS, and which have been**
11 **withheld by RESPONDENT, and are now the subject of this litigation.**

12 2. This request for production requires that the DOCUMENTS be produced in the same
13 form and in the same order in which they existed prior to production.

14 3. If YOU cannot respond to a DOCUMENT request fully, after a diligent attempt to
15 attain the requested information, YOU must answer the DOCUMENT request to the extent possible,
16 specify the portion of the DOCUMENT request YOU are unable to answer, and provide whatever
17 information YOU have regarding the unanswered portion.

18 4. In the event that ANY DOCUMENT called for by the requests has been destroyed,
19 lost, discarded or is otherwise no longer in YOUR possession, custody or control, YOU shall
20 IDENTIFY such DOCUMENT as completely as possible, and shall specify the date of disposal of
21 the DOCUMENT, the manner of disposal, the reason for disposal, the person authorizing the
22 disposal, and the person disposing of the DOCUMENT.

23 5. In the event ANY information is withheld on a claim of attorney-client privilege,
24 work product doctrine or ANY other privilege, or based on the existence of a binding protective
25 order precluding production, YOU shall provide a privilege log which includes at least the following
26 information: the nature of the information contained in the withheld DOCUMENT, the date of the
27 DOCUMENT, its source, and subject matter, and to whom that information was ever disclosed,
28

1 such as would enable the privilege claim to be adjudicated, and ANY authority which YOU assert
2 supports ANY claim of privilege.

3 6. Wherever it is necessary to bring within the scope of these requests DOCUMENTS
4 that might otherwise be construed to be outside its scope:

- 5 a. The words “and” and “or” shall be construed both disjunctively and conjunctively;
- 6 b. The singular shall include the plural and vice versa;
- 7 c. The words “include(s)” and “including” shall be construed to mean “without
8 limitation.”

9 7. ALL DOCUMENTS should be produced as native files (.pst, .xls, .pdf, etc.). When
10 DOCUMENTS in their native format are in color, the DOCUMENTS produced should also be in
11 color. ALL DOCUMENTS should include ALL associated metadata, including without limitation
12 and as applicable: the date on which an email was sent; the date(s) on which a document or email
13 was obtained, created, modified, accessed, deleted, copied, moved or saved; the author of an e-mail
14 message (“from” field); the primary recipient(s) of an e-mail message (“to” field); other recipients
15 of an e-mail message (“cc” and “bcc” fields); the subject line of an e-mail message; the title of a
16 DOCUMENT; the author(s) of a DOCUMENT; the file name and file path of a DOCUMENT; the
17 file type; and ALL other embedded or associated data relating to the DOCUMENT or e-mail.
18 DOCUMENTS should be produced on a hard drive, flash drive, disc, or other electronic storage
19 medium.

20 8. This request for production is a continuing request for ALL DOCUMENTS
21 described herein which may hereafter come into YOUR possession, custody, or control.

22 **REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

23 **REQUEST FOR PRODUCTION NO. 1:**

24 ALL DOCUMENTS identified in YOUR response to Petitioners’ Special Interrogatory #2, from
25 Petitioners’ first set of special interrogatories propounded upon YOU.

26 **REQUEST FOR PRODUCTION NO. 2:**

27 ALL DOCUMENTS identified in YOUR response to Petitioners’ Special Interrogatory #4, from
28 Petitioners’ first set of special interrogatories propounded upon YOU.

REQUEST FOR PRODUCTION NO. 3:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #6, from
Petitioners' first set of special interrogatories propounded upon YOU.

REQUEST FOR PRODUCTION NO. 4:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #9, from
Petitioners' first set of special interrogatories propounded upon YOU.

REQUEST FOR PRODUCTION NO. 5:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #12, from
Petitioners' first set of special interrogatories propounded upon YOU.

REQUEST FOR PRODUCTION NO. 6:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #15, from
Petitioners' first set of special interrogatories propounded upon YOU.

REQUEST FOR PRODUCTION NO. 7:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #17, from
Petitioners' first set of special interrogatories propounded upon YOU.

REQUEST FOR PRODUCTION NO. 8:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #19, from
Petitioners' first set of special interrogatories propounded upon YOU.

REQUEST FOR PRODUCTION NO. 9:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #21, from
Petitioners' first set of special interrogatories propounded upon YOU.

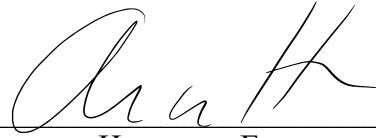
REQUEST FOR PRODUCTION NO. 10:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #23, from
Petitioners' first set of special interrogatories propounded upon YOU.

REQUEST FOR PRODUCTION NO. 11:

ALL DOCUMENTS identified in YOUR response to Petitioners' Special Interrogatory #25, from
Petitioners' first set of special interrogatories propounded upon YOU.

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3 Dated: January 20, 2019
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By: 
Anna von Herrmann, Esq.,
Attorney for Petitioners and Plaintiffs

1 Anna von Herrmann [SBN 301670]
2 Law Office of Anna von Herrmann
2443 Fillmore St. #380-7379
3 San Francisco, CA 94115
415-779-5619
anna@vonherrmannlegal.com

4 Abenicio Cisneros [SBN 302765]
5 Law Offices of Abenicio Cisneros
2443 Fillmore St. #380-7379
6 San Francisco, CA 94115
707-653-0438
7 acisneros@capublicrecordslaw.com

8 Attorneys for Petitioners and Plaintiffs

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12
13 KATHERINE MCNENNY and ADRIAN
RISKIN,

14 Petitioners and Plaintiffs,

15 vs.

16 LOS ANGELES CHINATOWN BUSINESS
17 COUNCIL, a non-profit corporation,

18 Respondent and Defendant.
19
20

) Case No.: BS174784

) **PETITIONERS' REQUESTS FOR**
) **ADMISSION (SET ONE) TO**
) **RESPONDENT LOS ANGELES**
) **CHINATOWN BUSINESS COUNCIL**

) **Department: 86**

) **Judge: Hon. Mitchell L. Beckloff**
)
)

21
22 Propounding Party: PETITIONERS/PLAINTIFFS KATHERINE MCNENNY AND
23 ADRIAN RISKIN

24 Responding Party: RESPONDENT/DEFENDANT LOS ANGELES CHINATOWN
25 BUSINESS COUNCIL, a non-profit corporation

26 Set Number: One

27
28 TO RESPONDENT/DEFENDANT LOS ANGELES CHINATOWN BUSINESS COUNCIL

1 AND ITS ATTORNEYS OF RECORD HEREIN:

2 **DEMAND IS HEREBY MADE** pursuant to Code of Civil Procedure section 2031.010 *et*
3 *seq.*, Petitioners/Plaintiffs KATHERINE MCNENNY and ADRIAN RISKIN (“PETITIONERS”)
4 request that Respondent/Defendant LOS ANGELES CHINATOWN BUSINESS COUNCIL
5 (“RESPONDENT”) respond in writing to the following Requests for Admission (“RFAs”) within
6 thirty (30) days of service upon you. Petitioners request that your response be submitted via email to
7 Petitioners’ counsel at anna@vonherrmannlegal.com, or at another place as may be mutually agreed
8 upon, within thirty (30) days.

9 In answering these RFAs, you are requested to provide and utilize all information which is
10 available to you, your agents, representatives, employees, attorneys and investigators, and not just
11 such information as in your personal possession or knowledge. If you are unable to answer any RFA
12 after exercising due diligence in attempting to do so, please so state and indicate the reason for your
13 inability to answer the remainder.

14 If objections are interposed to any RFA, the complete basis should be stated. If it is contended
15 that any information sought is privileged by the attorney-client privilege or work product doctrine, it
16 is requested that the factual basis of such privilege be stated and that the same not be asserted in
17 conclusory terms.

18 **DEFINITIONS**

19 Unless otherwise indicated, the following definitions apply to these RFAs as used herein:

20 1. “YOU”, “YOUR,” and “RESPONDENT” shall mean the party to whom the following
21 requests are addressed and any AGENT or representative of the party.

22 2. “AGENT” shall mean and refer to any employee, owner, partner, director, officer,
23 attorney, representative or other person with a relationship to a government agency, firm, person,
24 corporation, or business association, who has the express, implied, or legal authority to act on behalf
25 of that government agency, firm, person, corporation, or business association.

26 3. “PERSON” shall mean and refer to a natural person, firm, association, organization,
27 partnership, business, trust, limited liability company, corporation, or public entity.

1 4. "ADDRESS" shall mean the street address including the city, state, zip code, and
2 telephone number.

3 5. The term IDENTIFY, when used in reference to a PERSON, means to set forth the
4 PERSON's full name, current or last known address(es), telephone number(s), employer, position
5 with employer, and area of responsibility. The term IDENTIFY, when used in reference to an entity
6 that is not an individual, means to set forth the entity's full name, current or last known address(es)
7 and telephone number(s). The term IDENTIFY, when used in reference to DOCUMENTS means to
8 describe with specificity such DOCUMENTS and to state the quantity of such DOCUMENTS.

9 6. "DOCUMENT" or "DOCUMENTS" or "DOCUMENTATION" shall be construed in the
10 most comprehensive and inclusive sense permitted. This definition shall mean without limitation
11 any written, typed, printed, recorded, or graphic matter, however preserved, produced, or
12 reproduced, of any type or description, regardless of origin or location, including without limitation
13 any binder, cover note, certificate, letter, correspondence, record, table, chart, analysis, graph,
14 schedule, report, test, study, memorandum, note, list, diary, log, calendar, telex, e-mail, message
15 (including, but not limited to, interoffice and intra-office COMMUNICATIONS), questionnaire,
16 bill, purchase order, shipping order, contract, memoranda of contract, agreement or understanding,
17 assignment, license, certificate, permit, ledger, ledger entry, book of account, check, order, invoice,
18 receipt, statement, financial data, acknowledgement, computer or data processing card, computer or
19 data processing tape or disk, computer-generated matter, photograph, photographic negative,
20 phonograph recording, transcript or log of any such recording, projection, videotape film,
21 microfiche, and all other data compilations from which information can be obtained or translated as
22 well as reports and/or summaries of investigations, drafts, and revisions of drafts of any
23 DOCUMENTS, and original preliminary notes or sketches, no matter how produced or maintained,
24 in your actual or constructive possession, custody, or control, or the existence of which you have
25 knowledge, and whether prepared, published, or released by you or by any other person. If a
26 DOCUMENT has been prepared in several copies, or additional copies have been made, and some
27 copies are not identical (by reason of subsequent modification through the addition of notations,
28

1 etc.), each non-identical copy should be produced as a separate DOCUMENT.

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3 7. "RECORD" or "RECORDS" shall carry the same definition as "Writing" under California
4 Government Code §6252(g).

5 8. "REFER," "REFERS TO," "REFERRING TO," OR "RELATING TO" shall mean
6 pertaining to, mentioning, commenting on, connected with, discussing, describing, analyzing,
7 explaining, showing, reflecting, dealing with, comprising of, consisting of, containing, constituting,
8 resulting from, or recording a particular subject in whole or in part either directly or indirectly.

9 9. "ANY" shall also mean "ALL" and vice versa.

10 10. "AND" shall mean "OR" and vice versa.

11 **REQUESTS FOR ADMISSION**

12
13 **RFA #1.**

14 Admit that YOU did not produce ANY RECORDS in response to ANY of Petitioners'
15 requests.

16 **RFA #2.**

17 Admit that YOU failed to conduct a reasonable search for the RECORDS that Petitioners
18 requested.

19 **RFA #3.**

20 Admit that YOU failed to review the RECORDS that Petitioners requested to determine
21 whether they were properly disclosable under the California Public Records Act ("CPRA").

22 **RFA #4.**

23 Admit that YOU violated California Government Code § 6253(c) by failing to notify
24 Petitioners, within 10 days of receiving each of Petitioners' requests, of YOUR determination
25 whether Petitioners' requests sought ANY disclosable RECORDS AND the reasons for YOUR
26 determination.
27
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2 **RFA #5.**

3 Admit that YOU violated California Government Code § 6253(c) by failing to notify
4 Petitioners, within 10 days of receiving each of Petitioners' requests, of the estimated date AND
5 time when ANY RECORDS YOU determined to be disclosable would be made available.

6 **RFA #6.**

7 Admit that YOU violated California Government Code § 6253(b) by failing to provide
8 Petitioners with the non-exempt RECORDS they requested.

9 **RFA #7.**

10 Admit that YOU violated California Government Code § 6253(b) by failing to make the
11 non-exempt RECORDS that Petitioners requested promptly available.

12 **RFA #8.**

13 Admit that YOU violated California Government Code § 6253(d) by failing to notify
14 Petitioners of the names AND titles OR positions of each individual responsible for YOUR
15 denial of their request for RECORDS.

16 **RFA #9.**

17 Admit that YOU violated California Government Code § 6253(d) by delaying OR
18 obstructing Petitioners' receipt of non-exempt public RECORDS.

19 **RFA #10.**

20 Admit that info@chinatownla.com is YOUR email address.

21 **RFA #11.**

22 Admit that 213-680-0243 is YOUR telephone number.

23 **RFA #12.**

24 Admit that 727 North Broadway, Suite 208, Los Angeles, CA 90012 is YOUR mailing
25 address.

1
2 **RFA #13.**

3 Admit that YOU have a pattern and practice of failing to lawfully respond to California
4 Public Records Act requests as required under California Government Code § 6250 *et seq.*

5 **RFA #14.**

6 Admit that ALL of the RECORDS that Petitioners requested are not properly subject to
7 ANY of the exemptions under California Government Code § 6254.
8

9
10 Dated: January 20, 2019


11 By: 
12 Anna von Herrmann, Esq.,
13 Attorney for Petitioners and Plaintiffs
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EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (name and Address) Anna von Herrmann [SBN 301670] Law Office of Anna von Herrmann 2443 Fillmore St. #380-7379 San Francisco, CA 94115 415-779-5619 anna@vonherrmannlegal.com Attorney(s) for: Petitioners and Plaintiffs			FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES 111 N. HILL STREET LOS ANGELES, CA 90012 STANLEY MOSK COURTHOUSE				
PROOF OF SERVICE				
			CASE NUMBER: BS174784	

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

PETITIONERS' REQUESTS FOR ADMISSION (SET ONE) TO RESPONDENT LOS ANGELES CHINATOWN BUSINESS COUNCIL; PETITIONERS' SPECIAL INTERROGATORIES (SET ONE) TO RESPONDENT LOS ANGELES CHINATOWN BUSINESS COUNCIL; PETITIONERS' REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (SET ONE) TO RESPONDENT LOS ANGELES CHINATOWN BUSINESS COUNCIL; FORM INTERROGATORIES – GENERAL.

2. a. Party served: **LOS ANGELES CHINATOWN BUSINESS COUNCIL, a non-profit corporation**

b. Person served: **JEAN CHAN, COMMUNITY RELATIONS DIRECTOR – Authorized to Accept Service**

c. Address: **727 NORTH BROADWAY, SUITE 208
LOS ANGELES, CA 90012**

3. I served the party named in item 2a.

a. by personally delivering the copies to the person served as follows:

(1) on: **JANUARY 23RD, 2019**

(2) at: **2:10 PM**

4. Person serving:

Judith Smith

LA Process Servers

1439 N. HIGHLAND AVE. #274

Los Angeles, CA 90028

323-508-1711

Fee for service: \$ 55.00

a. ☒ Registered California Process Server

County Los Angeles

Registration No. 2013100780

b. ☐ Not a Registered California Process Server

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 01/26/19



EXHIBIT C

LAW OFFICE OF ANNA VON HERRMANN

2443 Fillmore St. #380-7379
San Francisco, CA 94115

415-779-5619
anna@vonherrmannlegal.com

February 20, 2019

George Yu
Los Angeles Chinatown Business Council
727 North Broadway, Suite 208
Los Angeles, CA 90012

**Re: Katherine McNenny and Adrian Riskin v. Los Angeles Chinatown Business Council,
Los Angeles Superior Court Case No. BS174784**

Dear Mr. Yu,

As you are aware, my clients Katherine McNenny and Adrian Riskin have filed a Petition for Writ of Mandate and Complaint in the Los Angeles Superior Court to enforce the California Public Records Act against the Los Angeles Chinatown Business Council (“the BID”).

On January 23, 2019 at 2:10 p.m., the BID was personally served with the following documents, which will be collectively referred to as “Discovery Set One”:

- Petitioners’ Requests for Admission (Set One) to Respondent Los Angeles Chinatown Business Council;
- Petitioners’ Special Interrogatories (Set One) to Respondent Los Angeles Chinatown Business Council;
- Petitioners’ Requests for Production of Documents and Things (Set One) to Respondent Los Angeles Chinatown Business Council; and
- Form Interrogatories – General

The BID has 30 days—or until February 22, 2019—to respond to Discovery Set One. To date, the BID has not provided any response to Discovery Set One.

If the BID fails to timely respond to Discovery Set One, my clients intend to file a Motion to Compel with the Los Angeles Superior Court to induce the BID to respond. However, it is my sincere hope that the BID will properly respond to Discovery Set One without the need for a Motion to Compel so that we need not employ additional judicial resources in this matter. As such, this communication serves as my clients’ attempt to meet and confer with the BID regarding its response to Discovery Set One.

If you have any questions or concerns, please do not hesitate to contact me. As stated in our prior communications, if the BID has retained counsel in this matter, please direct this communication to the BID’s attorney.

Thank you for your kind attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. H.', with a stylized flourish at the end.

Anna von Herrmann
Attorney for Katherine McNenny and Adrian Riskin

EXHIBIT D

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 301670 NAME: Anna von Herrmann FIRM NAME: Law Office of Anna von Herrmann STREET ADDRESS: 2443 Fillmore St. #380-7379 CITY: San Francisco STATE: CA ZIP CODE: 94115 TELEPHONE NO.: 415-779-5619 FAX NO.: E-MAIL ADDRESS: anna@vonherrmannlegal.com ATTORNEY FOR (name): Katherine McNenny and Adrian Riskin	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
Plaintiff/Petitioner: Katherine McNenny and Adrian Riskin Defendant/Respondent: Los Angeles Chinatown Business Council	CASE NUMBER: BS174784
PROOF OF SERVICE—CIVIL Check method of service (only one): <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	JUDICIAL OFFICER: Hon. Mitchell L. Beckloff
	DEPARTMENT: 86

Do not use this form to show service of a summons and complaint or for electronic service.
See USE OF THIS FORM on page 3.

- At the time of service I was over 18 years of age **and not a party to this action.**
- My residence or business address is:
11070 Nathan Court, Sonoma, CA 95370
- ☐ The fax number from which I served the documents is (complete if service was by fax):
- On (date): 2/20/19 I served the following **documents (specify):** 2-20-19 Meet and Confer Letter

☐ The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).

- I served the documents on the **person or persons** below, as follows:
 - Name of person served: George Yu (agent for service for Los Angeles Chinatown Business Council)
 - ☒ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)
 Business or residential address where person was served:
 727 North Broadway, Suite 208, Los Angeles, CA 90012
 - ☐ (Complete if service was by fax.)
 Fax number where person was served:

☐ The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).

- The documents were served by the following means (specify):
 - ☐ **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

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6. b. ☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) ☒ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) ☐ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):
- c. ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 2/20/19

Sandy von Herrmann

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)